

## **REMARKS**

### **1. Status of Claims**

Claims 1, 3-12, 14 and 16-23 were pending in the Application. Applicants have amended claims 1, 20 and 21. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1, 3-12, 14 and 16-23 will remain pending in the application.

### **2. Rejections under 35 USC § 112**

In section 6 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. 112, second paragraph as allegedly indefinite.

Applicants traverse the rejection, but solely in order to expedite prosecution have amended claim 1 without prejudice or disclaimer to remove the term. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

### **3. Rejections under 35 USC § 103(a)**

In section 10 of the Office Action, the Examiner rejected claims 1, 3-12 and 14-22 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2004/0044586-A1 by Gullo, et al. ("Gullo '586") in view of U.S. Patent Application Publication No. 2003/0101147-A1 by Montgomery, et al. ("Montgomery '147").

Applicants respectfully traverse the rejection. Initially, Applicants respectfully submit that the Examiner has not established a prima facie rejection since not all recited elements are taught or suggested by the cited art.

Additionally, Applicants again respectfully dispute any intended statement of official notice and respectfully request a reference in each instance.

Solely in order to expedite prosecution, Applicants have amended independent claim 1 to recite "processing and paying the refund request substantially immediately after receiving the request and before review of the refund request to determine validity;

then determining if the refund request is valid.” Accordingly, the rejection is moot.

Furthermore, Applicants respectfully submit that the cited references do not teach or suggest such prompt refund processing followed by determining if the refund request is valid. The cited paragraph 0170 of Montgomery ‘147 clearly requires a review of the request before paying the refund and clearly teaches away from paying before review.

With regard to independent claim 20, Applicants have amended the claim without prejudice or disclaimer to recite:

the determination of whether the refund request is valid includes determining whether the tracking identifier has been observed in a mail stream during a variable test period for each of the mail pieces and processing the refund request includes sending aggregated refund request data to a postage broker, wherein the variable test period depends upon the class of service of a tracking code lifetime period associated with the tracking identifier used on each of the respective mail pieces.

Accordingly, the rejection is moot. Furthermore, Applicants respectfully submit that the cited references do not teach or suggest such variable test periods based upon the lifetime of the codes.

With regard to independent claim 21, Applicants have amended the claim without prejudice or disclaimer to recite:

the determination of whether the refund request is valid includes determining whether the refund request corresponds to a prior postage dispense operation associated with the user and determining whether the tracking identifier has been observed in a mail stream during a variable test period for the mail piece and wherein,  
processing the refund request further comprises crediting a postage account held with a postage provider,  
wherein the variable test period depends upon the class of service of the mail piece.

Accordingly, the rejection is moot. Furthermore, Applicants respectfully submit that the cited references do not teach or suggest such prior postage dispense operation test with regard to association with the user and such variable test periods.

The rejected dependent claims are patentable over the cited references for at least the reasons cited above with reference to the respective independent claim and any intervening claims.

Therefore, Applicants respectfully submit that claims 1, 3-12 and 14 and 16-23 are patentable over the cited references. Accordingly, Applicants respectfully request the Examiner withdraw the rejection to claims 1, 3-12 and 14 and 16-23.

Accordingly, Applicant respectfully submits that claims 1, 3-12, 14 and 16-23 are in condition for allowance and respectfully request that the Examiner withdraw the rejections.

#### **4. Conclusion Of Remarks**

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

#### **5. Authorization**

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-775.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or

credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-775.

Respectfully submitted,

/George M. Macdonald/

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